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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEDGEYE RISK MANAGEMENT, LLC,   :
                                                 :   21-CV-3687 (ALC) (RWL)
                        Plaintiff,   :
                                                 :
        - against -   :   **ORDER**
                                                 :
DARIUS DALE, et al.   :
                                                 :
                        Defendants.   :
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ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff Hedgeye's motion to compel compliance with the purportedly narrowed subpoena originally served on non-party Longbow. (*See* Dkt. 599.) Upon reviewing the parties' submissions, and taking into account all prior proceedings, the Court finds that the "narrowed" subpoena remains overbroad, vague, and unduly burdensome, particularly to the extent it calls for production of all communications or documents about "Business plans," which is defined as encompassing all "business offerings." The Court agrees with Longbow, that as framed, the requested documents and deposition topics would encompass virtually every document of and action taken by Longbow and its principals, even during the limited period of February 1 through April 31, 2021 to which Hedgeye confines many of its requests. Much of the discovery sought also overlaps substantially with discovery already obtained during party discovery. Accordingly, considering principles of proportionality, the Court rules as follows.

1. Consistent with Exhibit 1 to Longbow's August 18, 2023 letter at Dkt. 609, Longbow must comply with document requests 1, 8, 14, 15 as modified by Longbow, and 16.

2. In addition, Longbow must comply with document requests 9 and 17.

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3. In addition, Longbow must produce all documents from February 1 through April 31, 2021, comprising or concerning macroeconomic forecasting models.

4. Longbow need not comply with the remaining document requests.

5. The Longbow deposition topics shall be limited to conform with the foregoing.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 599.

SO ORDERED.

_____
ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 22, 2023
       New York, New York

Copies transmitted this date to all counsel of record.